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Commonwealth of Virginia  
PRIVATE SECURITY SERVICES ADVISORY BOARD

September 18, 2013  
Quarterly Board Meeting Minutes

SHERATON NORFOLK WATERSIDE HOTEL  
777 Waterside Drive  
Norfolk, Virginia 23510  
(757) 622-6664

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### **Call to Order**

At approximately 10:20 AM, Vice Chairman Daniel Schmitt called the quarterly meeting of the Private Security Services Advisory Board (PSSAB) to order. The meeting having been duly convened the Board was ready to proceed with business.

### **Roll Call**

Vice Chairman Schmitt asked Brenda Cardoza to call roll. Ms. Cardoza proceeded with roll call and advised there was a quorum of members present.

### **Present**

Vice Chairman Daniel Schmitt, Craig Branch, Charles Ciccotti, Gary Ford, John Hall, David Killip, Amy Lockhart, Thomas Turner and James Washburn Jr.

### **Absent**

Chairman Frank Phillips, Secretary Robert Clark, Kevin Hodges, Stokes McCune, Seth Oginz and Mary Kay Wakefield (members provided notification that they would not be in attendance prior to the meeting).

### **New Appointment**

Vice Chairman Schmitt welcomed newly appointed Board member Amy Lockhart, Owner of East Coast Confidential, LLC located in Chesterfield, Virginia. Ms. Lockhart is a Private Investigator Representative, representing the private investigator industry; and

David J. Killip, a certified instructor and the owner/school director of the Virginia Academy of Certified Education. He has thirty (30) years of operational and investigative experience in several U.S. Government activities. Mr. Killip is the appointed Instructor Representative.

### **Recognition**

Vice Chairman Schmitt thanked and recognized former PSSAB member and Chairman, Paul D. Ellis with 2 plaques of appreciation for his outstanding and dedicated service to the Private Security Services Advisory Board as the Instructor Representative and for his service as Chairman of the Board.

### **Approval of the Agenda**

Vice Chairman Daniel Schmitt called for a motion to be made to approve the meeting agenda. Whereas a motion to approve the agenda was made by Craig Branch and seconded by Thomas Turner, it was unanimously approved.

### **Approval of the Minutes**

Vice Chairman Daniel Schmitt called for a motion to be made to approve the minutes from the July 23, 2013 quarterly Board meeting. Whereas a motion to approve the minutes was made by Charles Ciccotti and seconded by Craig Branch, it was unanimously approved.

### **Guest Speaker Sheriff Ken Stolle**

Sheriff Stolle addressed the Board regarding the Virginia Beach, Virginia jail system and what has been accomplished since he took office in November 2009. When Sheriff Stolle took office as Virginia Beach's sheriff, Virginia Beach housed 1,200 inmates, employed 600 employees and had a \$36 million dollar budget during the time the Commonwealth was facing a nearly \$4 billion budget shortfall. His priority was providing for the safety and security of the City of Virginia Beach while finding ways to save money. For the Virginia Beach Sheriff's Office, that meant dealing with more than \$2 million in mandated budget cuts from both the city and state.

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Some of the accomplishments that Sheriff Stolle noted were:

- Raising the crime of assault on an officer from a misdemeanor to a felony resulting in a substantial decrease in assaults against deputies;
- In an effort to offset the cost of inmates' incarceration, the Sheriff's Workforce was used to help the City of Virginia Beach by cleaning up graffiti and performing other community services for their indigent elderly. With the help of the General Assembly, House Bills 757 and 758 were passed in 2010 giving the authority to do just that; and
- Putting a hiring freeze on all vacant positions and commissioned a system-wide audit. Through efforts and working with the Governor, the Secretary of Public Safety and members of the General Assembly, the Virginia Beach Sheriff's Office absorbed the budget cuts without layoffs, part of this was based on a hiring freeze on all vacant position and commissioning of a system-wide audit.

Sheriff Stolle stressed that public safety is extremely important and that every change seen to public safety has come from the private sector and that working together with the private security industry was positive. He believes that many changes and efficiencies have been realized, that not only keeps families' safety intact but also makes the Virginia Beach Sheriff's Office the best-run facility in the state.

### **DCJS Report**

The DCJS report was offered by Lisa McGee, Regulatory Manager. Ms. McGee, on the behalf of the Department, welcomed David J. Killip to the Board.

### Regulations Relating to Private Security Services

The new Regulations Related to Private Security Services became effective September 1, 2013. A copy of the regulations is available on the DCJS website highlighting the changes as amended as well as a PowerPoint presentation separating the amendments by category.

### DCJS Forms

All of the DCJS application forms utilized in the Private Security Services Program have been updated. The updated forms are available on the DCJS website. A request was made for businesses and schools to discard all outdated forms as they will no longer be valid or accepted after September 1, 2013.

The Private Security Services *Apply and Renew* and *Frequently Asked Questions (FAQs)* sections of the DCJS website have been updated. The Department will continue to add questions as necessary and requested the industry to contact the Department with any recommendations and/or additions that would assist individuals in locating and/or understanding the program.

### Licensing and Customer Service

The application processing is currently up to date and credentials are being issued timely. A reminder was given to the Board and attendees that Private Security Services' registration cards will no longer be issued with a photo of the individual. According to the new regulations, registrants are required to carry either a state issued drivers' license, state issued photo identification or business issued photo identification with them while in the course of performing private security services. The Code of Virginia does require that the Department issue a photo on all licenses and registrations for Bail Bondsman, Bail Enforcement Agents and Special Conservators of the Peace; schools providing photo services, only need to submit photos for individuals applying for those credentials.

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### New Records Management System

In a continued effort to create and ensure an intuitive records management system that will mutually and effectively function for internal as well as external end users, the Department conducted an external user committee meeting on August 22, 2013 with individuals representing all industries of the constituency. The meeting was extremely productive and the Department is now able to finalize the RFP to accept vendor bids. The project is currently on schedule and the goal is to have a new product in a testing stage by the second quarter of 2014. The Department will continue to work with the External User Committee at various stages of the process.

### Bail Bondsmen and Bail Enforcement Agents (BEA)

A periodic review for the regulations relating to bail bondsmen and BEAs will be opening in the next few weeks. Periodic reviews are posted and available on the Virginia Town hall for public comment.

### House Bill 2294

The Code of Virginia §18.2-64.2 was amended relating to carnal knowledge of an inmate. HB2294 provides that an accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (i) is an owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's bond, (ii) has the authority to revoke the pretrial defendant's or posttrial offender's bond, and (iii) carnally knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender. Such offense is a Class 1 misdemeanor. This bill was passed and became effective July 1, 2013.

### Bond Forfeiture

The Department has experienced a significant increase in cases related to untimely payment of property bond forfeitures (§ 19.2-143) after receiving proper notice. Upon verification from the courts that a forfeiture has not been paid after notice and final judgment, the Department is issuing a summary suspension of the license for the responsible property bail bondsmen. A suspension of a property bail bondsman license also suspends the ability of any agents to write property bonds under his/her employment. The maximum monetary sanction imposed for initial violations is \$2,500.00 per violation (6VAC20-250-320).

### Security Services Statistical Report

The Department provided the Board with statistical data for the 2<sup>nd</sup> Quarter (April 1, 2013 – June 30, 2013). A copy of the report is attached at the end of this document.

### Division Director Teresa Gooch

Ms. Gooch thanked Dan Schmitt and his company, RMC Events for their contribution in providing security services during the “Back to School” Homeland Security training event for public schools (k-12). What began as 125 people evolved to 500+. This was another demonstration of the private side of public safety as well as the partnership between law enforcement and private security.

### Compliance Audits

Ms. Gooch provided information in regard to the business and school audits and stressed that audits have the ability to not only reveal the intentional/unintentional application of the regulations but also assist the regulating body in determining internal deficiencies, if any and/or misunderstandings within the businesses/schools as it relates to the interpretation of the Code and/or Regulations. The Department's goal is not to catch the business/schools doing something wrong but to provide the entities with up-to-date and accurate information and assistance to ensure a successful business.

Ms. Gooch also offered that if schools would like one of the Department's field investigators to stop by and review their training materials, please do not hesitate to contact Tommy Clarke, Compliance & Enforcement Manager.

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### Director Garth Wheeler

Mr. Wheeler thanked the Board for their efforts and for being a part of DCJS, and providing the guidance and leadership to the private security industry and collaboration efforts for public safety.

### **Committee Reports**

#### Harold L. McCann Memorial Award Committee

Craig Branch reported that the Harold L. McCann Award Committee met on July 23, 2013. The committee is currently gathering information on the history of the award and finalizing a formal nomination process.

#### SCOP Legislative Action Committee

Thomas Turner reported that the committee met on August 2, 2013 in Richmond, Virginia to discuss SCOP concerns and gather information relating to SCOPs and how to enhance the program. Some of the concerns discussed included:

- SCOP being contracted by private security services businesses; how it works and how to make it work?
- Issues related to private police departments in the Commonwealth of Virginia. §19.2-13- how to define in code and training.
- Courts appointing special police officers.
- Recommendation to increase the renewal cycle from one year to two years.

### **New Business**

#### Criminal Justice Services Board (CJSB) Report - Charles Ciccotti

The CJSB met on September 12, 2013. In addition to the general board business being conducted, Kristen Howard, Executive Director of the Virginia State Crime Commission delivered an enlightening and informative presentation on tobacco smuggling.

The Nominations and Appointment subcommittee of the CJSB received a total of four (4) applications for the PSSAB instructor representative position. The subcommittee reviewed the candidates' qualifications and found the nominees to be outstanding. The subcommittee presented its recommendation to the full Criminal Justice Services Board for final appointment. The CJSB concurred with their recommendation and appointed David J. Killip to serve on the Private Security Service Advisory Board as the Instructor Representative.

Mr. Ciccotti stressed the importance of the Board members/industry members attending the Criminal Justice Services Board meetings and announced that the next meeting would be held on December 12, 2013

### **Old Business**

#### Personal Protection Specialist (PPS) Meeting with Virginia Chiefs of Police

Due to the absence of Chairman Frank Phillips, this report was tabled until the next PSSAB meeting.

### **Public Comment**

#### Pete Lupica

Mr. Lupica stated that he had questions in regard to the interpretation of the regulations but he met with the Department prior to the meeting and all of his questions were answered. He did however wish to

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express his concern to the Board about the armed security officer firearms training and having students who may be handling a firearm for the very first time having to do drills that were formally in the advanced handgun training.

Paul Ellis

Mr. Ellis thanked Garth Wheeler and the PSSAB members for the opportunity to serve the Board as the Instructor Representative as well as in the capacity of Chairman to the Board.

**Announcements**

The next PSSAB meeting is scheduled for 10:00a.m. on Tuesday, December 3, 2013. The venue is yet to be determined.

**Adjournment**

A motion was called for by Vice Chairman Schmitt to adjourn. Whereas a motion to adjourn was made by Charles Ciccotti and seconded by Thomas Turner, it was unanimously approved by vote. The September 18, 2013 meeting of the PSSAB was adjourned.

**Meeting Attendees:**

DCJS Staff

Garth Wheeler, Agency Director  
Teresa Gooch, Division Director  
Brenda Cardoza, Programs and Adjudication Specialist  
Tim Haymore, Investigator (Central Region)  
Lisa McGee, Regulatory and Adjudication Manager  
Robbie Robinson, Investigator (Southwest Region)  
Jeff Scott, Investigator (Northern Region)  
Art Wells, Investigator (Northern Region)

Attendees

Ray Ash  
Jimmy Cecil  
Richard B. Hitt, Jr.  
John Kochensparger  
Brenda Libow  
Pete Lupica  
Bill Scouten  
Sheriff Ken Stolle  
Rick Williams  
Ed Woods  
Robert Wooster

**SECURITY SERVICES PROCESSING STATISTICS**  
**(April 1, 2013 through June 30, 2013 inclusive) 2<sup>nd</sup> Quarter - 2013**

SEPTEMBER 2013

**By License Type Initial Application Renewal Applications**

License Type	Initial Applications Received	Unarmed Issued	Armed Issued	TOTAL ISSUED	Unarmed Renewed	Armed Renewed	TOTAL RENEWED
BB Bail Bondsman	17	12	5	17	40	5	45
BE Bail Enforcement Agent	13	3	13	16	0	6	6
BU Business	74	81	0	81	132	0	132
CA Compliance Agent	130	143	0	143	216	0	216
CP Special Conservator of the Peace	61	13	17	30	76	130	206
IN Instructor	19	24	0	24	32	0	32
RE Registration	3657	2026	587	2613	2232	784	3016
SC School	7	4	0	4	15	0	15
Totals	3978	2306	622	2928	2743	925	3668

**Application Intake**

Intake	Initial Applications	Renewal Payments	Total
Manual	3978	4478	8456
Online	0	7	0
<b>Total</b>	<b>3978</b>	<b>4485</b>	<b>8463</b>

**Photo IDs Issued**

Armed	3350
Unarmed	4865
<b>Total</b>	<b>8215</b>

**Criminal History Reviewed and Processed**

Canceled	99
Approved	4134
Denied	61
<b>Total</b>	<b>4324</b>

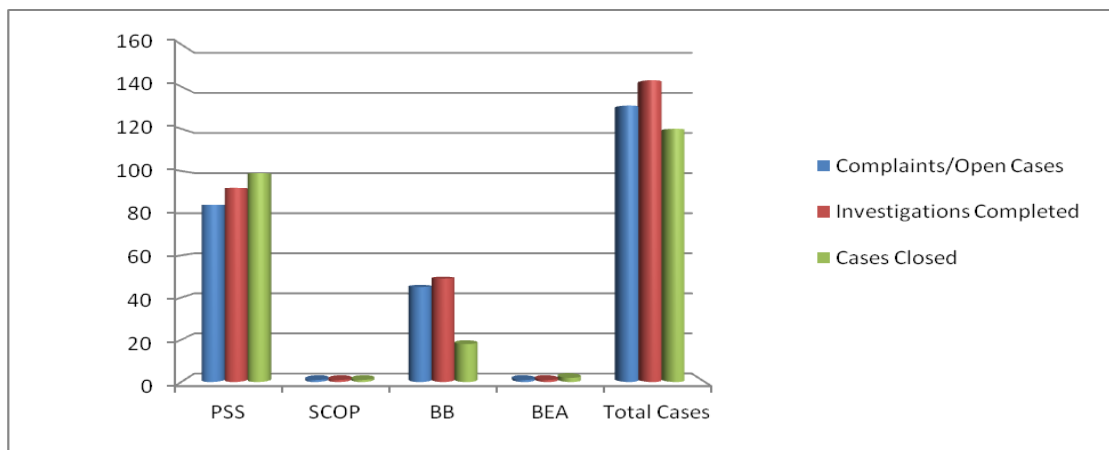
**Total Fingerprint Cards Scanned**

4417

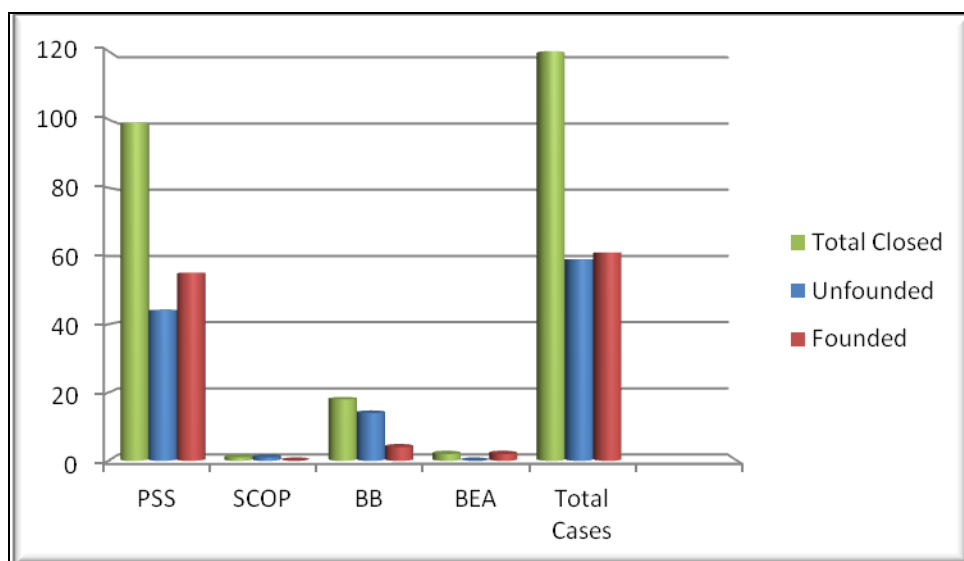
**COMPLIANCE/ENFORCEMENT STATISTICAL DATA**

The statistical data below is from April 1, 2013 through June 30, 2013. When reviewing the graphs the following acronyms are being used: PSS–Private Security Services, SCOP–Special Conservators of the Peace, BB–Bail Bondsmen, and BEA–Bail Enforcement Agents.

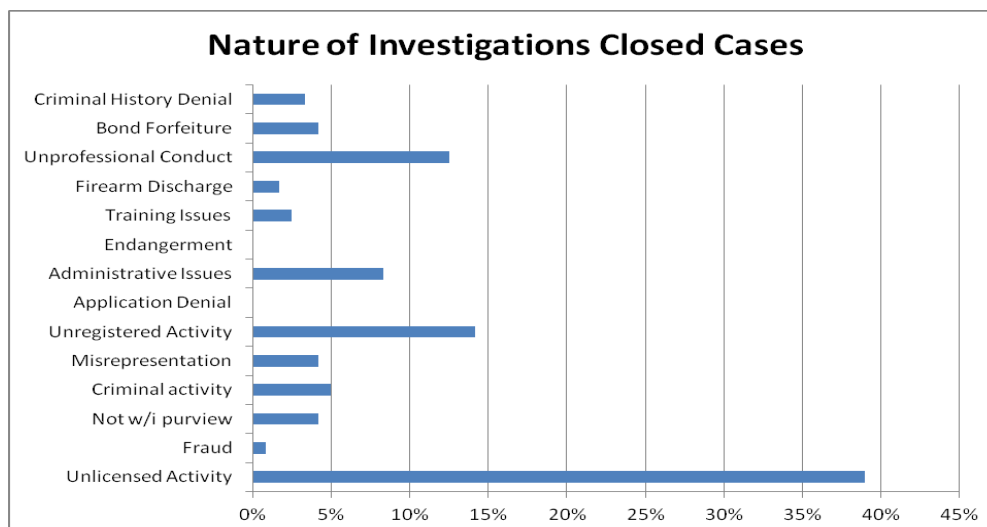
- There were **131** newly opened investigative cases. The Enforcement Unit completed **143** investigations. The department closed a total of **120** cases. The following graph illustrates a breakdown for each program.



- Out of the **120** cases closed, there were **63** founded cases and **57** closed unfounded. The graph below illustrates a breakdown for each program.



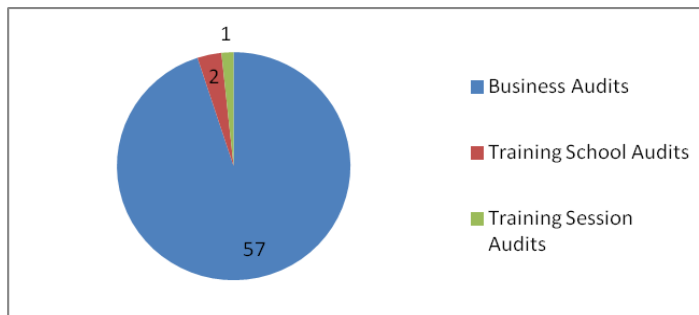
### CLOSED CASES WITHIN THE NATURE OF INVESTIGATIONS





## COMPLIANCE AUDITS

- A total of 60 **compliance audits** were conducted. Of the 60 audits, 16 resulted in investigative case files being opened based on substantiated violations found during the audit. 57 Business audits, 2 Training School audits and 1 Training Session Audit.



## ADJUDICATION

- A total of 44 consent orders were issued for violations of the *Virginia Code* and/or Administrative Code.
- Five Informal Fact-Findings Conferences were conducted.
- There were 42 Consent Orders ratified for violations of the *Virginia Code* and/or Administrative Code.

## CEASE AND DESIST ORDERS — SUMMARY SUSPENSIONS — REVOCATIONS

*(April 1, 2013 through June 30, 2013 inclusive)*

### CEASE AND DESIST ORDERS

**Jerry Overstreet, Jr.** conducted unregistered activity as an armed security officer. A cease and desist order was issued. Jerry Overstreet, Jr. is currently registered as an armed security officer.

**Anthony Dubois** conducted unlicensed security officer services and unregistered activity as an unarmed security officer. A cease and desist order was issued.

**Gregory Took**s conducted unregistered activity as an unarmed security officer. A cease and desist order was issued.

**Clarence Gerard Thompson** conducted unregistered activity as an unarmed security officer. A cease and desist order was issued. Clarence Gerard Thompson is currently registered as an armed security officer.

**Christopher Cruz t/a Sebori Systems** conducted unlicensed electronic security services. A cease and desist order was issued.

### REVOCATIONS

No revocations.

### SUMMARY SUSPENSIONS

The Department suspended three (3) Private Security Services' registrations for criminal conviction/public safety issues.

The Department suspended one (1) Bail Enforcement Agent license registrations for criminal conviction/public safety issues.

